

COMBINED DECLARATION AND POWER OF ATTORNEY : Attorney Docket No.
IN ORIGINAL APPLICATION : C348.12-0003

As a below named inventor, I hereby declare that:

My residence post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled NASAL DILATOR, the specification of which,

(check one) is attached hereto.

— was filed on _____ as Appln. Serial No. _____.

— and was amended on _____.

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Number	Country	Day/Month/Year Filed	Priority Claimed
_____	_____	_____	Yes _____ No _____
_____	_____	_____	Yes _____ No _____

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Appln. Ser. No.	Filing Date	Status: patented, pending, abandoned
_____	_____	_____
_____	_____	_____

See paper 1st

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Robert M. Angus, Reg. No. 24,383; Jennifer F. Becker, Reg. No. 34,775; David D. Brush, Reg. No. 34,557; Judson K. Champlin, Reg. No. 34,797; Lawrence C. Chasin, Reg. No. 35,097; David R. Fairbairn, Reg. No. 26,047; Norman P. Friederichs, Reg. No. 24,919; Joseph R. Kelly, Reg. No. 34,847; Steven M. Koehler, Reg. No. 36,188; Deirdre A. Megley, Reg. No. 35,612; Theodore F. Neils, Reg. No. 26,316; David A. Plettner, Reg. No. 36,241; Thomas A. Rendos, Reg. No. 33,349; Z. Peter Sawicki, Reg. No. 30,214; Emery L. Tracy, Reg. No. 34,081; Charles J. Ungemach, Reg. No. 18,984; Nickolas E. Westman, Reg. No. 20,147; and James L. Young, Reg. No. 30,514.

Address all telephone calls to Thomas A. Rendos at telephone number (612) 339-1863.

Address all correspondence to Thomas A. Rendos, Kinney & Lange, Suite 1500, 625 Fourth Avenue South, Minneapolis, Minnesota 55415.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor: William J. Doubek

Inventor: William J. Doubek (Signature) Date: 4/20/93

Residence: Circle Pines, Minnesota MN Citizenship: U.S.A.

P.O. Address: 9804 Austin Street NE, Circle Pines, Minnesota 55014

Full name of second joint inventor: Daniel E. Cohen, M.D.

Inventor: Daniel E. Cohen (Signature) Date: 4-20-93

Residence: Eden Prairie, Minnesota MN Citizenship: U.S.A.

P.O. Address: 10232 Antlers Ridge, Eden Prairie, Minnesota 55347

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Full name of third joint inventor: Bruce C. Johnson

Inventor: 

Date: 4-20-93

Residence: St. Paul, Minnesota MN Citizenship: U.S.A.

P.O. Address: 864 E. Orange Avenue, St. Paul, Minnesota 55106

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08/050554
P A T E N T

SMALL ENTITY DECLARATION

SMALL BUSINESS

Applicant: William J. Doubek et al.
Serial No:
Filed : HEREWITH
For : NASAL DILATOR

Attorney Docket No.
C348.12-0003

USA PATENT AND TRADEMARK OFFICE
VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 CFR 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am

- the owner of the small business concern identified below:
 an official of the small business concern empowered to
act on behalf of the concern identified below:

NAME OF CONCERN Creative Integration & Design, Inc.
ADDRESS OF CONCERN 864 E. Orange Avenue
 St. Paul, Minnesota 55106

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled NASAL DILATOR and its inventor(s) William J. Doubek, Daniel E. Cohen, M.D., and Bruce C. Johnson, described in

- the specification filed herewith
 application Serial No. _____, filed _____.
 Patent No. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

Name Creative Integration & Designs, Inc.
Address 864 E. Orange Street, St. Paul, Minnesota 55106
[] INDIVIDUAL SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)). I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Bruce C. Johnson
TITLE OF PERSON OTHER THAN OWNER: President
ADDRESS OF PERSON SIGNING: 864 E. Orange Street
St. Paul, Minnesota 55106

SIGNATURE: R. S. Johnson DATE: 4-20-93

08/050554

P A T E N T

SMALL ENTITY DECLARATION

SMALL BUSINESS

Applicant: William J. Doubek et al.
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USA PATENT AND TRADEMARK OFFICE
VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 CFR 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am

- [] the owner of the small business concern identified below:
[X] an official of the small business concern empowered to
act on behalf of the concern identified below:

NAME OF CONCERN	<u>CNS, Inc.</u>
ADDRESS OF CONCERN	<u>1250 Park Road</u>
	<u>Chanhassen, MN 55317-9260</u>

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled NASAL DILATOR and its inventor(s) William J. Doubek, Daniel E. Cohen, M.D., and Bruce C. Johnson, described in

- [X] the specification filed herewith
[] application Serial No. _____, filed _____.
[] Patent No. _____, issued _____.

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Name CNS, Inc.

Address 1250 Park Road, Chanhassen, MN 55317-9260

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)). I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Daniel E. Cohen, M.D.

TITLE OF PERSON OTHER THAN OWNER: Chief Executive Officer

ADDRESS OF PERSON SIGNING: 1250 Park Road

Chanhassen, MN 55317-9260

SIGNATURE: Daniel E. Cohen

DATE: 4-20-93